IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 994 of 1994

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

BOARD OF TRUSTEE OF PORT OF KANDLA - Petitioner(s)

Versus

TRANSPORT & DOCK WORKERS UNION (H M S) - Respondent(s)

==========

== **Appearance :**

MR ALPESH RAJPURIYA for Petitioner No(s).: 1.

RULE SERVED for Respondent No(s).: 1.

MR MUKESH H RATHOD for Respondent No(s).: 1.

==========

CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 14/07/2005

ORAL JUDGMENT

1. This petition is directed against the judgment and order dated 7th October, 1990 passed by the Industrial Tribunal in Reference [I.T.C.] No. 5/90, whereby the Industrial Tribunal has directed the

petitioner Board that the age of Foreman (Crane & Cargo Handling Equipment) be included in the category at annexure-A to the Kandla Port (Retirement) Regulations, 1978 and further directed to increase the age from 58 to 60 years. It has further directed that all the employees who have retired at the age of 58 years be given the monetary benefits like compensation, difference of salary and other benefits, which are available to the employees who are retiring at the age 60 years.

2. The short facts of the case are that the respondent workmen were working as Foreman (C &CHE) with the petitioner Board. The respondent workmen raised a demand that the post of Foreman (C & CHE) be included in the list of the Kandla Port Employees (Retirement) Regulations, 1978, so that the Foreman (C & CHE) be entitled to 60 years as retirement age. However, the petitioner Board denied the said demand of the respondent workmen on various grounds.

2.1. Being aggrieved by the said action, the respondent workmen raised an industrial dispute which was ultimately referred to the Industrial Tribunal, for adjudication. The Industrial Tribunal after appreciating

the materials produced before it, passed the impugned award. Hence, this petition.

3. I have heard the learned counsel for the parties and have perused the materials placed on record. In view of the decision of this Court rendered in Special Civil Application No. 2919 of 1983 dated 24th January, 1984, the impugned award passed by the Industrial Tribunal is required to be confirmed on the same terms as stated in the aforesaid decision.

4. In the result, the petition is dismissed. The impugned award passed by the Industrial Tribunal is confirmed. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

/phalguni/